

This brochure is designed to inform you whether transient merchant activity is in compliance with the Indianapolis/ Marion County Revised Code.

## DID YOU KNOW?

1. **Revised Code.** You can view the entire Indianapolis/ Marion County Revised Code online at [www.municode.com](http://www.municode.com).
2. **Signs.** Any signs that are used at a business location must have permits and abide by the guidelines of the Revised Code Sec. 734.
3. **Public Right-of-Way.** This is defined as any traveled way/public easement, and can generally not be used as a location for private business.
4. **License and Permits.** When operating your business, you must have in your possession at all times, any licenses and permits required by law. The Department of Code Enforcement issues licenses and permits.
5. **Violations.** Violations can result in a summons to appear in court, seizure of merchandise, and fines no less than \$200 per offense.

## Department of Code Enforcement

Driving public safety and improving quality of life in the City of Indianapolis / Marion County through the strategic application of civil code regulation, and the efficient and effective administration of:

- PERMITS
- LICENSES
- INSPECTIONS

For a complete list of services and resources, visit us online, in person or give us a call!

### LOBBY HOURS:

Mon, Tue, & Thu: 8:00 a.m. — 5:00 p.m.

Wed: 12:00 p.m. — 5:00 p.m.

Fri: 9:00 a.m. — 5:00 p.m.

Sat, Sun & Holidays: Closed

Questions regarding case history, permits, reports and enforcement? Visit the Citizen Access Portal [Indy.gov/dce/research](http://Indy.gov/dce/research).



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Follow Us On Twitter [@IndyDCE](https://twitter.com/IndyDCE)

To report an ordinance violation or neighborhood concern:

By Phone: [\(317\) 327-4MAC \(4622\)](tel:(317)327-4MAC)

Go Online: [Indy.gov/RequestIndy](http://Indy.gov/RequestIndy)

Mobile App: [RequestIndy](#) (iPhone/Android)



## TRANSIENT MERCHANTS

The sale of goods or the sale of services from an outdoor sales location.



DCE  
DEPARTMENT OF CODE ENFORCEMENT

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[www.Indy.gov/dce](http://www.Indy.gov/dce)

## TRANSIENT MERCHANT ACTIVITY

### Sec. 987-102. License required.

- (a) It shall be unlawful for a person to engage in transient merchant activity in the city without first having obtained a license from the Department of Code Enforcement (DCE) unless exempted.

### Sec. 987-106. Restrictions on transient merchant activity.

- (a) It shall be unlawful to engage in transient merchant activity in such a manner as to:
- (1) Impede the flow of pedestrian or vehicular traffic, or obstruct or hinder the view of pedestrians or motorists, on any street, alley, sidewalk or right-of-way;
  - (2) Create an unsafe condition or situation; or
  - (3) Generate litter by the licensee or the licensee's customers, which is not promptly removed by the licensee.
- (b) Transient merchant activity shall not take place within the travel portion of any street or alley, or upon any median thereof, while such street or alley is open to vehicular traffic.
- (c) In addition to the restrictions stated in subsection (a) of this section, DCE may impose other reasonable restrictions on transient merchant activity by stating the restrictions on the license.

### Sec. 987-107. Enforcement and penalties.

- (a) It shall be the duty of each law enforcement officer of the city or county to determine that persons engaged in transient merchant activity are licensed with DCE, and otherwise in compliance with the provisions of this article.
- (b) A law enforcement officer who issues a complaint and summons ticket form to a person for a violation of this article, and who has reason to believe the violation will continue after issuance of the ticket, may take possession of any tangible goods being offered for sale. Such goods may be retained by the city until DCE issues the person a license under this article or the enforcement action is concluded, whichever occurs first.
- (c) A person who violates any provision of this article shall be punishable as provided in section 103-3 of the Code; provided, however, the fine imposed for such violation shall not be less than two hundred dollars (\$200.00), and each day that an offense continues shall constitute a separate violation.

#### Exempt Activities, Sec. 987-102

- Licensed vendor cart, registered sidewalk café, or other activity (Ch. 961)
- Food vending vehicle (Sec. 611-501)
- Sale of goods to benefit a charitable cause organized and conducted by a tax exempt entity and under specified conditions
- A garage sale
- An auction of goods which originate primarily on the property where the auction occurs, not moved from another location for sale
- Sale of goods on commercial property which occurs during regular business hours
- Sale of newspapers

## HOW TO APPLY FOR A LICENSE

**Step 1** - The applicant must obtain written permission from the owner or lessee of the location.

**Step 2** - The applicant must bring this written permission to the Department of Code Enforcement and meet with a Project Development Analyst (PDA).

**Step 3** - The PDA will supply the applicant with a Zoning Review Form. That form will show either denial of the application or approval along with the conditions that must be met for the zoning classification of the location. The PDA will also determine if an Improvement Location Permit (ILP) is required. (Temporary Seasonal Retail Sales will always require an ILP). A scaled site plan showing the property boundaries, location of any structures on the lot and the location of the transient merchant activity/temporary seasonal retail sales is always required for an ILP.

**Step 4** - Once the Zoning Review and ILP (if required) have been approved, a determination will be made on whether a Transient Merchant License is required. The Zoning Review Form and ILP (if required) must be on site.

**Step 5** - If a Transient Merchant License is required, the license holder must have the license with them at the location where they are operating. The license holder must also have the Zoning Review Form and ILP (if required) as well.